IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA 1928

WP(C).No. 34480 of 2006(S)

OA.635/2006 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

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PETITIONER:

DR.S.S.MISHRA, AGED 53 YEARS,
S/O.KASHIUNATH MISHRA
CHIEF AYURVEDIC PHYSICIAN,
INDIRA GANDHI HOSPITAL, KAVARATTI
(UNION TERRITORY OF LAKSHADWEEP), RESIDING AT
NOD-3, GOVERNMENT QUARTERS, KAVARATTI,
UNION TERRITORY OF LAKSHADWEEP.

BY ADV. SRI.T.C.GOVINDA SWAMY
SMT.D.HEERA
SRI.P.N. PANKAJAKSHAN PILLAI

RESPONDENTS:

1. UNION OF INDIA, REP. BY THE
SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE,
DEPARTMENT OF INDIAN SYSTEM OF MEDICINE
AND HOMEOPATHY, NEW DELHI.

2. ADMINISTRATOR, UNION TERRITORY OF
LAKSHADWEEP, KAVARATTI,
UNION TERRITORY OF LAKSHADWEEP.

3. SECRETARY (HEALTH), UNION TERRITORY OF
LAKSHADWEEP, KAVARATTI.

BY ADV. SRI.SHAFIK M.ABDULKHADIR,SC,LAKSHADWEEP for R2 & R3
SRI. JOHN VARGHESE, ASST. S.G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.P.(C). NO. 34480 OF 2006

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Dated this the 1st day of January 2007

JUDGMENT

Abdul Gafoor, J

The challenge is against the Ext. P2 order passed by the Central Administrative Tribunal, Ernakulam Bench. By that order interim prayer sought for by the petitioner has been declined. Therefore this writ petition.

2. A reading of the Ext.P2 reveals that the petitioner has been given promotion based on the judgment of the Tribunal giving effect to the order dated 16.11.2001. Subsequently, it was revealed that the order based on which promotion is enjoyed now by the petitioner was a forged one. Consequently notice was issued to him to review the promotion. This was impugned before the Tribunal. The Tribunal did not grant stay as per Ext.P2. As the petitioner enjoys promotion based on an allegedly

forged document the Tribunal was justified in declining the interim relief. We are also satisfied that discretionary power was rightly applied by the Tribunal.

The Writ Petition is dismissed accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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